1	Kimmel & Silverman, P.C.	
	30 East Butler Pike Ambler, PA 19002 Telephone: (215) 540-8888 Attorney of Record: Amy L. B. Ginsburg (AB0891) Attorney for Plaintiff  UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY	
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		)
7	ANTHONY RODRIGUEZ,	) Case No.:
8	Plaintiff,	)
9	v.	) COMPLAINT AND DEMAND FOR
10		) JURY TRIAL
1	NAVIENT SOLUTIONS, INC.,	)
1	Defendant.	(Unlawful Debt Collections Practices)
12		_)
13	<u>COMPLAINT</u>	
14	ANTHONY RODRIGUEZ ("Plaintiff"), by and through his counsel, Kimmel &	
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	INTROI	DUCTION
18	1. Plaintiff's Complaint is based on the Telephone Consumer Protection Ac	
19	("TCPA").	
20	(TCTA).	
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22	JURISDICTION AND VENUE	
	2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v	
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24	Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).	
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- 15. Plaintiff knew Defendant was using an automatic telephone dialing system and automatic and/or pre-recorded messages as Defendant's calls began with a noticeable pause and/or delay before a live representative came on the line.
- 16. Defendant's telephone calls were not made for "emergency purposes," but rather were placed with the intent of ascertaining and collecting an alleged debt owed by Plaintiff.
- 17. Shortly after the calls began, Plaintiff sent Defendant a letter and demanded that Defendant stop placing calls to his cellular telephone regarding the alleged debt.
- 18. Defendant heard and acknowledged Plaintiff's revocation of consent and demand to stop calling his cellular telephone number.
- 19. Despite the above, Defendant persisted in calling Plaintiff on his cellular telephone.

## DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

- 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.
- 21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular telephone using a prerecorded voice.
- 22. Defendant initiated these automated calls to Plaintiff using an automatic telephone dialing system.
  - 23. Defendant's calls to Plaintiff were not made for emergency purposes.
- 24. Defendant's calls to Plaintiff, after he revoked consent, were not made with Plaintiff's prior express consent.

- 25. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.
- 26. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.
- 27. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

WHEREFORE, Plaintiff, ANTHONY RODRIGUEZ, respectfully prays for judgment as follows:

- a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
- b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
   U.S.C. \$227(b)(3)(B);
- c. Treble damages of \$1,500 per violative telephone call pursuant to 47 U.S.C. \$227(b)(3);
- d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
- e. Any other relief deemed appropriate by this Honorable Court.

## **DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, ANTHONY RODRIGUEZ, demands a jury trial in this case.

## **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: 2/12/20

By: /s/ Amy L. B. Ginsburg Amy L. B. Ginsburg, Esquire Kimmel & Silverman, P.C. 30 East Butler Pike Ambler, Pennsylvania 19002 Phone: (215) 540-8888

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